

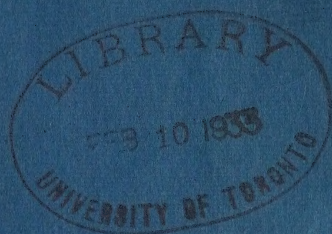
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Report of the
Superintendent of Penitentiaries

Re

INGSTON PENITENTIARY
DISTURBANCES

1932



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1933



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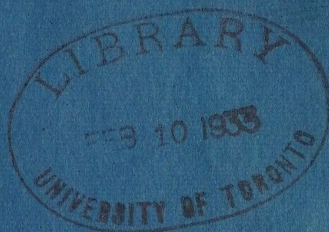
Canada. Penitentiaries, report of

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Report of the Superintendent of Penitentiaries re Kingston Penitentiary Disturbances, 1932.

OTTAWA, January 23, 1933.

To:

The Honourable HUGH GUTHRIE, K.C.,
Minister of Justice,
Ottawa.

SIR,—The undersigned has the honour to submit the following report with regard to the disturbances at Kingston Penitentiary in the year 1932.

For the purpose of reporting on the outbreak which began in Kingston Penitentiary on October 13th, it is essential there should be a review of the conditions in that institution for a period of at least ten or twelve years, for record, reference and data upon which to base conclusions. Preceding the period under review, there are two reports on penitentiaries; one the Royal Commission on Penitentiaries presented in 1914, and also the report to the Right Honourable C. J. Doherty, Minister of Justice, to advise upon the revision of the Penitentiary Regulations, dated February, 1921.

THE OUTBREAK OF SEPTEMBER, 17, 1921

From information secured during the investigation commenced on October 18, 1932, it is apparent the real commencement of the recent disorders dates back to not later than September, 1921. In the report of the Warden of that date, he says that on September 17, 1921, there was a miniature outbreak or demonstration made by convicts employed in the stone shed. In all about fifty joined a leader and paraded about the yard. The whole affair did not take more than fifteen or twenty minutes. The leaders were not numerous and estimated at six or seven. These were seized, locked up and sentenced to lose thirty days' remission and ten strokes of the paddle. The Warden lectured each convict, who apparently realized the futility of his action and gave promise of future good behaviour, and the application of the paddle was suspended. In the opinion of the Warden,

It was just one of those bravado expeditions which they thought would be smart to pull off.

THE OUTBREAK OF JULY 17, 1923

On this date a number of convicts made a complaint about the dinner served to them at noon. The Warden immediately proceeded to the dome where these convicts were lined up, and the food examined, and found there was no cause for complaint. In his report he states that the seventeen inmates implicated were riff-raff of the worst type, and all were agitators, and expresses the opinion it was their intention to enlist the sympathy of the other convicts and to attempt to create a disturbance, in which they were unsuccessful. The Warden expresses his firm conviction that this trouble was due to the dismissal of a guard who had apparently been the channel of communication between the

convicts and the world outside; the convicts taking this method of showing their resentment that their source of contraband supplies had been cut off. This opinion is of considerable interest in view of the dismissal of another guard, which was put into effect during the early days of October, 1932.

THE OUTBREAK OF OCTOBER 3, 1924

Inspector Gilbert Smith was in charge of Kingston Penitentiary on this date. Ten convicts employed in the shoe shop lined up and demanded to see the Chief Keeper, who immediately sent for Inspector Smith. The Chief Keeper took the convicts in hand and marched them to the Prison of Isolation. On the way, one convict endeavoured to break from the group with the evident intent of encouraging some of the mail bag gang to join in the protest or outbreak. Upon examination, they refused to go back to the shoe shop while Guard Pullen was in charge as Disciplinary officer. They were put on a diet of bread and water and four of them went on a hunger strike. They were transferred to the punishment cells and informed that if they persisted in their hunger strike they would be sentenced to the paddle. This had the desired effect. Six were sent back to work on October 6th and the balance were subsequently dealt with and returned to the shop, one at a time. Inspector Smith, in his report, states that in his opinion the revolt was the result of agitation by a convict who had been under observation for some time and had been making it a practice to attend the Medical Officer's parade. This convict was suspected and upon being searched was found to have received a note from another convict which apparently indicated that an outbreak was being fomented. The situation then appeared under control. This will indicate some attempts had been made among the convicts to organize themselves for the purpose of creating disturbances but no real organizer was present in the Penitentiary, with the result that not more than twenty per cent were taken into the confidence of the ringleaders on any one occasion up to this date.

THE OUTBREAK OF JANUARY 22, 1927

The first appearance of organized revolt was on or about January 22, 1927, when a convict by the name of Q——— endeavoured to start trouble in the tailor's shop. He was removed from the shop by the Deputy Warden and placed in the punishment cells. During the noon hour of that day, the convicts gave expression to their feelings by yelling and making other obnoxious noises. In the afternoon a convict who is presently in the Penitentiary and involved in the recent disturbances, by the name of R———, turned off the power in the tailor's; and a convict by the name of P——— informed the Inspector that he had been appointed spokesman for the shop and demanded an explanation of the removal of convict Q——— to the punishment cells.

The other convicts stopped work as soon as the power was turned off and were ordered to line up, by the Deputy Warden. At first they refused but eventually marched off to their cells. During Saturday and Monday the convicts gave expression to their feelings by yells and other noises. All other convicts except those employed in the tailor's shop went to work on Monday. When it was discovered in the mail bag shop that the tailor's shop had not been permitted to go to work, they also refused to work. On the opening of the prison on Monday a few of the convicts in the excavation gang, headed by convict M———, who is also involved in the present disturbance, started an outbreak in the yard and were joined by two or three from the shoe shop and four from the farm gang, as well as some from the excavation gang. They armed themselves with pick-handles and similar weapons, returned to the shop dome,

and again unsuccessfully endeavoured to entice the other shops to join them. On realizing their plan had been foiled, they returned to the stone pile and the whole gang were taken to their cells.

They gave expression by a noisy demonstration and one convict was caught red-handed disobeying the Warden's instructions. He forcibly resisted removal from his cell and struck an Officer. He was eventually taken before the Warden and given eight strokes of the paddle. These measures had the effect of quieting the Penitentiary. Convict N———, who attempted to strike an officer, was given ten strokes of the paddle, while twenty strokes were given to convict R——— who had been concerned in one of the previous outbreaks. During this outbreak the Warden took precaution to insure the safety of other inmates and took steps to prevent a spreading of further development of the troubles; the towers being doubly manned, the guards being instructed to shoot in the event of the disorderly convicts approaching the gates. From opinions expressed by officers and convicts presently at Kingston Penitentiary, I am satisfied that this can be fixed as the definite date of the commencement of the revolt which took place between October 13th and 20th; the convicts having learned that unless they were well organized and worked in unity, they would be unable to attain their desired objects.

SUPERINTENDENT W. S. HUGHES' MEMORANDUM

On May 31, 1930, Superintendent W. S. Hughes submitted a memorandum to the Honourable, the Minister, a part of which reads as follows:—

On visiting the Penitentiary on the morning of April 29, Warden was found to be in a very nervous condition. Acting Deputy Warden whom the Superintendent had duty with for many years, was also in a somewhat upset and nervous condition, something entirely foreign to his ordinary mentality.

Rumours were prevalent in the Prison of an outbreak to be carried into effect on May 3. This was to consist of taking charge of the shops by the inmates, refusing to go to their cells in the evening and setting fire to whatever would burn in the shops.

Superintendent received information that fire was to be set in the attic of the printing shop where the inmates have been permitted to store a certain quantity of their supplies. The printing shop is built on to and at right angles to the carpenter shop, the attic of which is entirely wooden, and had a fire been started therein, it would have been impossible to have fought it with any reasonable chance of extinguishing same, as the only entrances to it are through the trap-doors in the ceiling of the printing and carpenter shops.

Fire extinguisher in carpenter shop in close proximity to entrance to printing shop was found to have the nozzle squeezed flat, evidently having been put in a vice for that purpose.

An anonymous letter was received by the Warden, warning him of the proposed outbreak, and telling him that it was likely to take place on Saturday afternoon, May 3. The following day, a further anonymous letter was received, apparently in the same handwriting, assuring him that details were being completed. On May 1, a note *signed* by one of the well behaved inmates was received in a different handwriting, and giving further details.

The outbreak was being led by inmates in the canvas working department, but was to be carried into effect in other shops as well.

Superintendent gave Warden instructions how best to obtain information as to the ringleaders without throwing suspicion on those inmates

who had given information. He instructed that ringleaders, when definitely discovered, should be at once incarcerated in the Prison of Isolation; the doors of shops were to be locked; that an additional officer be placed in the cell dome in charge of keys of shops, the doors of which open on to the second gallery; that an extra officer be placed on the gate leading to dock at southwest corner of prison yard; that prompt and effective measures be taken if any attempt at riot or violence resulted; that all tower officers be instructed to prevent any attempt at scaling the walls.

Superintendent had Warden and Deputy Warden in the former's office, on Friday, May 2, and told what was expected of them, with a result that:—

Information was received that five ringleaders of the proposed outbreak were employed in the canvas department, and that circumstantial evidence had been obtained against two others employed in other departments. These seven were locked up on Friday evening, May 2. The doors of the shops were locked on Saturday morning immediately the inmates entered the shops. No outbreaks occurred, and nothing of importance has transpired since that date.

Three at least of the convicts involved in the foregoing plot were involved in the recent revolt.

Inspector Gilbert Smith, Acting Warden of Kingston Penitentiary, when the recent outbreak took place, no doubt was following the procedure laid down by the late Superintendent of Penitentiaries in the third to the last paragraph of the above mentioned memorandum, as will subsequently appear in this narrative.

THE CONSPIRACY OF AUGUST 5, 1931.

On or about this date a convict by the name of L——— created a disturbance in his cell in a more or less unusual and violent manner, with the result that he was taken to the punishment cells. After being confined there for an hour, he sent word that he wished to see the Chief Keeper, W. N. Archibald, to whom he stated that certain convicts in the blacksmith's shop were plotting to escape and that he, himself, was supposed to be one of the gang but had lost his nerve, as it was evident that at least one of the plotters was ready to take the life of any person who interfered with the carrying out of the scheme after it had once commenced. This convict enabled Chief Keeper Archibald to proceed to the blacksmith's shop on August 5 and procure five tools which had been surreptitiously made by convicts A——— B——— C——— D——— E———, all five of whom are presently in Kingston Penitentiary and four of them deeply involved in the recent revolt. The plan disclosed was as follows: The convicts were to have the Instructor send for a truck for the purpose of returning empty acetylene gas tanks. When the truck arrived they were going to overpower the guard in charge of the shop dome, and simultaneously or subsequently overpower the truck driver.

Convict A——— was to drive the truck. The other convicts were to ride to the gate, using the two officers as shields and thus prevent the tower guards from shooting at them. They were supposed to crash the inner gate, overpower the three officers—one of the convicts was to have a coal chisel and sledge hammer. These were to be used to break the lock on the safe in the armoury, which is in the north gate, and having procured arms, they were to shoot their way out of the Penitentiary. The plot also was supposed to include a scheme for these convicts to return to the Penitentiary, after having been provided with machine guns, and release some of their convict comrades. The latter part of the program would appear to have been an afterthought and was

probably concocted for the purpose of ensuring the co-operation of other convicts who had been allowed into the secret. As a result of these disclosures, which had the elements of reality, the plot was frustrated. Involved in the plot was a convict by the name of E———, who had been given an exceedingly bad reputation by the police authorities and he, along with the others, was placed in the punishment cells in the Prison of Isolation. Convicts B——— C——— A——— and D——— were released from the punishment cells and returned to the main cell block after approximately five months but convict E——— has been kept in a punishment cell since that time and is still incarcerated in that place. He does not appear to have been tried and his case will eventually be the subject of a special investigation.

SECURITY MEASURES ORDERED

Apparently the late Superintendent was not satisfied with the security of Kingston Penitentiary and on the 9th of October, 1931, instructed the Warden to have a steel barrier placed across the yard side of the north gate, and forwarded two blue prints with details. The Warden, J. C. Ponsford, did not take any action. On the visit of the Chief Engineer, Penitentiary Branch, in May, 1932, he discovered that no such work had been done. He reported the situation to the Acting Superintendent, who wrote the Acting Warden pointing out that no reply had been received to the letter of October 9, 1931. Inspector Smith replied that no trace of the letter could be found nor of the drawings referred to. In his letter he states:—

The Chief Trade Instructor informs me that he has never seen these drawings, and all he knows about the proposed barrier is a conversation which he had with ex-Superintendent Hughes and Engineer Lawson, when they blocked out how far a twelve foot sliding gate would extend on the inside of the office building. I cannot find that this barrier has ever been approved for use at this institution, and do not think there is any necessity for same.

From the foregoing it would appear that Superintendent Hughes had been considering the security of Kingston Penitentiary for some time previous to October 9, 1931. There is no record of the conversation which took place between Superintendent Hughes and Warden Ponsford but Inspector Smith would appear to have been put on his guard and in the ordinary course of events should have scrutinized the security of Kingston Penitentiary, especially from a mechanical and physical point of view. Further, in view of the information left with him by Warden Ponsford, the nervous condition of Keeper Duffy, and a natural desire that could be expected on his own behalf, it would appear that he should have taken some unusual steps to investigate the security of the Penitentiary. The state of mind of the senior officers of the Penitentiary Branch in respect of Kingston Penitentiary appears to have been expressed by Inspector E. R. Jackson in his evidence in this investigation:

While I was Acting Warden at Kingston Penitentiary, I considered an Institution that had gone through a hundred years without any violent weakness was safe and secure if the man in charge gave it the proper supervision. I had no trouble, and I had the largest number of men working outside the walls Kingston ever had.

Inspector Jackson was Acting Warden of Kingston Penitentiary from June 4, 1930 to August 31, 1930, or approximately two years before the point to which this narrative has reached.

EVIDENCE OF ORGANIZED REVOLT

It is evident from the numerous outbreaks during the past ten years that the organization of convicts to conspire and overthrow the authority of the officials was becoming more perfected. The development of leaders who had been convicts in the Penitentiary for some time and others, more recently incarcerated, with a knowledge of organization for the overthrow of authority, made the situation extremely dangerous.

On January 19, 1932, Inspector Gilbert Smith took over the duties of Acting Warden of Kingston Penitentiary, replacing Warden J. C. Ponsford, who was retired from the Service. Prior to his departure for Kingston Penitentiary, Inspector Smith had been told by the Deputy Minister of Justice that the Department was very much concerned regarding the safety of Kingston Penitentiary; that much unrest was becoming evident throughout the world; and that Kingston Penitentiary was getting a large share of troublemakers, the Deputy Minister at the same time commenting upon Communistic activities. Inspector Smith was informed by his predecessor, Warden Ponsford, that everything was quiet at the moment but that it would take very little to start trouble. In his evidence Inspector Smith states that there was considerable uneasiness among the officers of the Penitentiary.

Additional leaders in the revolt against authority were received into the Penitentiary early in 1932. A life convict, F———, was transferred from St. Vincent de Paul to Kingston Penitentiary. He was somewhat of a menace and the transfer was made for the reason that it was considered that Kingston Penitentiary was better equipped to deal with convicts of his type. Convict F——— was put in the blacksmith's shop to work. According to his statement, he refused to remain there as he had never performed manual labour in his life and had no intention of commencing it in Kingston Penitentiary. Apparently without consulting Inspector Smith, the Deputy Warden, M. J. Walsh, acceded to the request of F——— and placed him in the change room where he had an opportunity of coming in contact with all the convicts in the Penitentiary.

TRAINING OF GUARDS

The traditions concerning Kingston Penitentiary date back to 1834 and appear to have stood the institution in good stead on many occasions. Investigation would appear to show, from the year 1889 to the present time, the wardens and staff must have gradually permitted lethargy to overcome them, until finally, about the early eighteen nineties, training of guards under a systematic method appears to have ceased, and from that time on, the training was left to the Chief Keeper, keepers and junior officers. Until about the year 1910, there was occasional foot and arm drill performed, and twice a year each guard fired eight shots, and during the annual drill a certain number of guards were put through some perfunctory sort of fire drill. Further, on rare occasions, the Warden or Deputy Warden gave lectures to the guards. Shortly after the end of the late war, a fair sprinkling of guards were brought into the Service who had had military training of some type or other. These, however, were not closely scrutinized, and at the present time there are many guards who had little or no service that would recommend them to be penitentiary or prison guards, mostly having terminated from three to five years' service with the rank of Private, which would indicate that they had reached their limit in military advancement, and could not be expected to show a higher standard in civil life; but the fact that they had military training appears to have been accepted as a justification for handing them a copy of the Penitentiary Regulations, giving them a brief talking to, swearing them in, and assigning them to duty.

It appears also from the memorandum of Superintendent Hughes, dated May 31, 1930, that he had received information that fire was to be set in the attic of the printing shop where supplies were stored. He also states that had a fire been started therein, it would have been impossible to have fought it with any reasonable chance of extinguishing same, as the only entrance is through a trap door in the ceiling.

Inspector Smith, who became Acting Warden in January, 1932, had been in the Penitentiary Service since September, 1895. He had held many positions and had access to all the files but appears to have forgotten the rulings of the Civil Service Commission in connection with the appointment of guards. In his survey of the Penitentiary Staff, Inspector Smith found many temporary officers who did not conform with the Regulations. He had not received training that would fit him for inspecting and testing the efficiency of prison guards. He did not carry out any tests and did not profess to be competent in the examination of guards in the handling of firearms but leaned upon the traditions of a Penitentiary that,

had gone through one hundred years without any violent weakness.

He appears to have been receiving complaints and information that there was an undercurrent of unrest in the Penitentiary and realized that the absence of cigarette papers in the prison was the cause of much dissatisfaction.

On July 17 there came into his hands a document bearing the heading "Barbarism in Civilization." This was of considerable interest and was prepared by some person who appears to have had access to the government reports and in addition had spent a considerable amount of time and thought on prison management and methods of reformation in North America. It was apparent to Inspector Smith that a number of similar documents were in circulation as the copy falling into his hands was numbered 27. He discussed this document with his Deputy and Chief Keeper but did not consider it to be of sufficient interest to report the matter to the Penitentiary Branch or take any particular steps in respect to the security of the Penitentiary. He states that the convicts undergoing sentence for belonging to unlawful organizations came into his mind, but had no reason to think that one of them had written this document. It would naturally be supposed that its circulation would put him on the alert. However, he was satisfied to await developments.

MY FIRST INSPECTION

I paid my first visit to a Penitentiary, Kingston Penitentiary, August 7, 1932. This visit remained in my mind so that I took the earliest opportunity to re-visit Kingston Penitentiary, which occurred on September 7 when the shops were working. My attention was drawn to the fact that both the north gates were open at the same time and that approximately one hundred and fifty convicts were in the vicinity of the gates at one time. I felt at once it would be a simple matter for determined convicts to organize an attack on the gates, overpower the three officers, and by accepting a reasonable number of casualties, effect a general gaol delivery.

On inspecting the Armoury, I found the conditions most unsatisfactory. Inspector Smith was instructed to immediately make arrangements to have the shot-guns and rifles overhauled by a competent armourer. The west tower was visited and the guard on duty had a very badly conditioned rifle and shot-gun, both of which were inexcusably dirty. He was asked to load and unload these arms and showed an absolute ignorance of the functioning of the weapon. He further displayed such a carelessness in handling the weapons that it was apparent he was not only inefficient but that he had never received any training.

In the shops there was apparent lack of management and discipline, but my most outstanding impression was the lack of fire fighting appliances and the very evident lack of inspection. I tried to impress upon Inspector Smith the seriousness of the situation. He lightly replied that the buildings were fire proof, notwithstanding the fact that in the carpenter's shop there were several bags of shavings, wooden windows and wooden furniture. He was ordered to carry out a fire drill.

On observing the convicts on my previous visit and again on the 7th of September, it was evident to the most casual observer that they lacked life and movement; that the young men were stiff instead of lithe. Inspector Smith was queried as to the method of exercise given to the convicts and he stated that their exercise was to march around the walks in the Penitentiary yard. It was suggested to him that some variation in the form of exercise was necessary and should be given and that this might take the form of ordinary physical training.

I discussed the question of the issue of cigarette papers with him and told him it was under consideration. A study of the files had shown me that this matter had been discussed at a conference of the wardens and that the warden of one penitentiary was strongly opposed to the re-introduction of cigarette papers. This point of view was acquiesced in and approved by Superintendent Hughes. I took occasion to interview the warden opposed to the issue of cigarette papers and while he accepted my point in favour of the reissue, he did not commit himself, but stated he would forward a letter setting out his point of view. On October 12 he was reminded of this personally. Three days later this matter was gone into verbally with the Deputy Minister for the first time and there it stood on the 17th October.

On September 7 a number of convicts were permitted to appear before me. Among those presenting themselves were convicts F———, G———, H———, J———, B———, C———, K———, and several others. They each pleaded for the release of convict E———. Pleas were put forward on humanitarian grounds. This aroused my interest and I made inquiries as to the reasons for E———'s retention in the Prison of Isolation. I was informed that he was accredited with being the leader or instigator of the plot believed to have been concocted in the summer of 1931. Convicts C———, B——— and H——— had all at some time or other been in communication or close association with convict E———. Convict H——— admitted that he had been a partner in crime of convict E———'s at the time convict E——— was arrested on the charges on which he was convicted and committed to the Penitentiary. At this time I was by no means familiar with all the ramifications of a plot in which these convicts had been involved in 1931; nor had my attention been drawn to the document "Barbarism in Civilization" which came into the hands of the Acting Warden on the 17th of July.

WARNING OF PLOT

Some time between the 7th and 17th of September the Deputy Warden was warned by a convict that a well organized plot was in the course of being evolved, whereby certain convicts were to receive firearms and other assistance from persons outside the Penitentiary. This convict set out the nature and scheme of the plot in writing. This was passed to Inspector Smith by the Deputy Warden on September 17. This impressed Inspector Smith so he instituted certain inquiries which implicated a guard, and it was satisfactorily proven that this guard had been passing out letters for certain convicts, one especially being implicated in the plot. On September 30 Inspector Smith received a further written communication from the convict giving the former information,

going into further particulars of the methods to be utilized by the convicts and their associates for making the escape. Investigation has shown me that the schemes propounded were practical and could have been put into operation without difficulty. Precautionary measures should at once have been taken. All that was done was to warn the guards on certain posts to be more alert. In view of the fact that in rumours of plots previously concocted an attack on the north gate had been mentioned, a wooden bar some four inches by eight inches was placed across the north gate but this would not have withstood the impact of a heavy motor truck of commercial design.

About 1915 it was decided that it was not a safe practice for guards inside the Penitentiary walls to carry firearms, and from that time, all guards, except those in the dome of the main block, did not carry firearms. At the same time, the guards on the north gate, which is the commonly used entrance to the Penitentiary, were also disarmed. No reason for reducing the protection at this particularly vulnerable point is known.

OFFICIALS CONFIDENT IN CONTROL

Inspector Smith had not made, up to October 14, any report to the Branch that in his opinion there was a serious condition existing in the Penitentiary. On October 14 he wrote a letter to Branch Headquarters, received on the 15th, which commences as follows:—

For the past few days, there has been a spirit of unrest evident among the inmates of this institution. I believe that is due to the lack of paroles, the overcrowded condition of the prison, the lack of suitable employment, and possibly also the season of the year. There has also been many rumours of trouble, which I believe have come from———“(naming a convict)” and who, with the assistance of another inmate, was responsible for the forced resignation of guard———early this week. I had hoped that his resignation would have quieted the prison down, but expect that is not known to the inmates yet.

He reports that on October 13 in No. 1 stone shed, the convicts employed therein numbering fifty-five, there was a significant occurrence. The ring-leaders were sentenced to bread and water at the noon court and that night the convicts started to make a noise in their cells by banging chairs and trays against the bars and stating that they were going to revolt or go on strike on the 14th. After a conference with Deputy Warden Walsh and Chief Keeper Archibald, they decided to leave the prison closed and to have the convicts employed in the stone shed “up on report”, to return these convicts and put them to work before the other shops were opened. At one o'clock the other convicts were taken out of their cells and all shops and gangs proceeded to work, which was carried on without unusual incidents. A total of seventy-three convicts had reports made out against them. These were to be dealt with by the Warden at his court at noon on the 15th. He closes his report by stating:

The situation is very similar to what arose at St. Vincent de Paul Penitentiary at Christmas four years ago, but there has not been the same damage to property, nor is there the ugly feeling evident that there was then.

I am reporting this in accordance with Regulation 26. I consider the situation well in hand and do not require any assistance. You will be advised if the situation does not improve.

He adds a postscript to the report:

All quiet at 5.40 p.m.

In his report referred to, Inspector Smith clearly sets out that he was aware of Regulation 26 under which he should report immediately by telegraph, and by first mail in writing, anything of an extraordinary or serious nature that might occur. It will be noticed that he states he considers the situation to be well in hand and does not require any assistance. It is obvious that he was somewhat perturbed and must have believed the situation was serious but had sufficient confidence in himself and the penitentiary officers to deal with the situation. This action had the effect of causing the Branch to attach no great importance to the occurrence.

EVENTS FROM OCTOBER 13 TO OCTOBER 17

Subsequent inquiry has divulged that on October 13 in No. 1 stone shed convicts refused to work. Instructor Burton ascertained that this action was due to their demand for the removal of Guard Boucher. Deputy Warden Walsh, who was sent for, had the convicts lined up and made further inquiries into the situation. Finally, he asked the convicts to give him ten minutes to make a decision; the convicts maintaining their demand for the removal of Guard Boucher and resumed work pending decision and action on their demand. According to the Deputy Warden's evidence, there had been trouble some days before, the convicts complaining against the oppressiveness of Guard Boucher. The Deputy Warden proceeded to Inspector Smith's office and reported the situation, pointing out that the convicts' intention was to have Guard Boucher removed from the shop.

Inspector Smith and the Deputy Warden decided not to meet the demands of the convicts. In giving evidence Deputy Warden Walsh displayed unmistakable signs of extreme nervousness and shock, so much so that his memory was affected and he could not give any clear account of the occurrences between October 13 and the morning of October 21 when he was relieved from duty. According to Instructor Burton, Guard Berry replaced Guard Boucher in the shop within five or ten minutes. According to the Deputy Warden he did not have Guard Boucher removed from the shop until along towards noon. In any event, Guard Berry replaced Guard Boucher, who appears to have given Inspector Smith the names of convicts who he suspected of being the ringleaders. Undoubtedly the convicts were satisfied that they had accomplished their purpose and were forming the opinion that they could, in some measure, dictate to the Penitentiary authorities. No other attempt at revolt appears to have been made on October 13.

On Saturday morning, October 15, at the opening of the prison the Deputy Warden informed Inspector Smith there were rumours afloat that the men in No. 1 stone shed were going to refuse to work until the three who had been placed in punishment cells were released. This information was gleaned from various sources. The evidence of the guards discloses that there were numerous efforts made by convicts to communicate with each other, and that while in the cells the convicts carried on a system of tappings by using some instrument to tap on the cell bars, on their beds, basins, etc., and also that these tappings were carried on in the shops. An extraordinary circumstance is that no particular significance was paid to these tappings, although a guard had obtained a type-written paper from a convict, which he had not turned in or reported to the Penitentiary authorities. In giving his evidence he stated that this piece of paper had Russian writing on it, whereas it was nothing more or less than an ordinary Morse Code.

Notwithstanding an evident situation of active or imminent disturbance in penitentiary routine, Inspector Smith did not take any measures to create a force or reserve of guards who could readily obtain arms to control any number

of convicts who might try to set fire to or wreck the shops. At this time and subsequently, he appears only to have been concerned with convicts causing an outbreak and escaping over the wall. He paid no attention to the security of the north gate, either by mechanical means or by arming the guards. No inspection was carried out of the barriers at or about the north gate, the barriers particularly on the inside of the Penitentiary being in a most unsatisfactory state of repair.

It is true that following my instructions of September 7 Inspector Smith did carry out a most elementary form of fire drill, but he had not at any time, either as Inspector or Warden, carried out any other fire drill or inspection and did not familiarize himself with the point at which the water could be turned on for fire fighting purposes in the several shops. This heedless attitude can only be explained by the state of lethargy into which the supervision, inspection and management had fallen in Kingston Penitentiary.

THE OUTBREAK OF OCTOBER 17, 1932

From his report of October 17, Chief Keeper Archibald seems to have received reports from several sources that there was going to be a revolt in the Penitentiary on the afternoon of Monday the 17th. The information or rumours contained a statement to the effect that convicts employed in the blacksmith's, tailor's and stone shed gangs were going to smash the cell levers so that the convicts could not be locked up on the night of the 17th. It is regretted, but appears true, that neither on Sunday the 16th nor on Monday the 17th did Chief Keeper Archibald consider it his place to go to the Warden or Deputy Warden in person and verbally report the information that had been passed to him. If he had done this, undoubtedly Inspector Smith would have informed Chief Keeper Archibald of the circumstances surrounding the plots concerning escapes, etc., of which he had been informed prior to September 30. The three of them in conference, each giving the information he possessed, would probably have come to the conclusion that a very serious condition existed and that an outbreak was imminent, and would have taken steps to effectively meet the situation. Inspector Smith's judgment was undoubtedly affected by his knowledge of methods used in quelling disturbances on previous occasions in Kingston Penitentiary, and the further fact that he had had experience in the outbreak of 1924. On the other hand, the information available would appear to have indicated that the convicts were much better organized and that there were within the Penitentiary convicts concerning whom he had received special warning, in addition to which, guards and officers had passed forward information to the Chief Keeper and Deputy Warden of suspicious occurrences among the convicts. Lack of organization and management in the prison was only too obvious. Guards and officers, immediately their duty was finished, disappeared from the Penitentiary and remained away as long as possible. No other arrangement for the strengthening of the Penitentiary, than doubling the number of guards on the towers, had been put into effect.

On the morning of October 17 the Deputy Warden went around and informed several instructors, guards and keepers that there was likelihood of trouble during the afternoon, and made it fairly clear that the trouble was sure to occur. About 3 p.m. Inspector Smith proceeded to the hospital, taking up his position on the upper floor, and says he did this for the purpose of being in the vicinity of the yard. He had one of the recently installed intermural telephone instruments readily available, and had left word at his office where he could be found. Approximately at 3 p.m. the Chief Keeper called Inspector Smith on the telephone to warn him that all the shops had gone out on strike. Inspector

Smith proceeded into the yard with Warden Allan and Deputy Warden Harraway of Collins Bay Penitentiary, who had arrived for the purpose of transferring a group of convicts. He should have returned to his office to be in a position to direct affairs.

The convicts proceeded to hurl stones and other missiles through the windows of the stone shed and those in the mail bag shop and the tailor's shop gang proceeded to take action. Deputy Warden Walsh was jostled by them but for a time they again stood around in a hesitant manner, their plans apparently being somewhat upset by the fact that the shop doors had been locked. About this time Deputy Warden Walsh noticed that the iron door to the blacksmith's shop was becoming red around the lock. He did not realize at the moment that the convicts inside the blacksmith's shop were using the acetylene welding torch for the purpose of cutting through the lock. In the meantime a large number of convicts from around the tailor's shop had gathered; eight to ten of the convicts from the mail bag shop were in the dome and immediately they were joined by the convicts from the blacksmith's shop, who brought with them the portable acetylene welding equipment and immediately proceeded to the door of the stone shed where they cut the lock in a few seconds, releasing fifty or sixty convicts from there. They then proceeded around to the engineer's shop door and cut the lock. Several of the convicts from the tailor's shop entered the blacksmith's shop, seized pieces of iron and sledge hammers, stirred up the convicts remaining in the blacksmith's shop, threatened the instructors and guards, proceeded up the stairs and without waiting for the acetylene welding machine knocked the locks off the mail bag door, the carpenter's shop door, and forced the door to the change room and tin and paint shop, releasing approximately three hundred convicts, about two hundred and fifty of whom immediately entered the shop dome, almost completely filling the gallery around the dome, the stairs and the bottom of the shop floor.

Several convicts came into prominence and acted as leaders. It is evident the convicts were entirely out of control and about fifty per cent had armed themselves with stones, hammers, lengths of metal piping, wrenches, and the usual tools found in blacksmith's and carpenter's shops, stone shed and tin working shop. From here on a clear knowledge of what happened was difficult to ascertain as the situation became much confused.

After some speeches had been made, a number of convicts started out the northeast shop dome door towards the Prison of Isolation. It appears from the evidence, they intended to proceed to the Prison of Isolation to release convict E———. When they had gone fifty or sixty feet in the direction of the Prison of Isolation, Guard Shillington, on tower duty, fired three shots into the lawn in front of and to the side of the mob. This halted them and they turned about and re-entered the shop dome but four convicts broke off from the mob and armed with sledge hammers dashed across to the stone shed and the old stone pile shed where they broke off the locks from the doors and were joined by four convicts from the quarry gang, the whole party returning to the shop dome.

Up to this time no particular threat or violence appears to have been made upon the person of the Deputy Warden, Keeper Nolan, or several other officers who were intermingled with the convicts and had emerged from the shop dome with the mob. For some unknown reason these officers, instead of endeavouring to break away from the mob, which they apparently could have done without any difficulty, returned to the shop dome where they were absolutely helpless and at the mercy of the convicts. Deputy Warden Walsh in giving his evidence broke down on several occasions. His evidence is clearly unreliable for he states that he did not again leave the shop dome, whereas he actually appears to have gone out of the shop dome, walked towards Inspector Smith who had arrived

at the yard shanty. Deputy Warden Walsh approached Inspector Smith and informed him that the convicts desired him to go into the shop dome and speak to them, reporting that they would not listen to any person else. Without making any arrangement for the security of the Penitentiary and having seen the mob emerge from the northeast door, some carrying weapons of various sorts, Inspector Smith accompanied the Deputy Warden into the shop dome.

Inspector Smith states that he realized there was considerable danger to himself personally and to the Deputy Warden but felt that the prison was quite secure under the guidance of the Chief Keeper, to whom he had given no instructions at any time as to how such a situation should be met. When Inspector Smith entered the shop dome he observed that one-half of the convicts had weapons in their hands. They immediately called out that they wanted recreation and cigarette papers. Inspector Smith then asked if any man present had ever complained to him concerning cigarette papers. No one said he had ever made such a complaint or request. He explained to them that they had their regular exercise and immediately received complaints that whereas they were supposed to receive fifteen minutes exercise each day, it was actually cut down to three or four minutes exercise in the fresh air. He informed them that he had written to the Branch in August recommending an issue of cigarette papers but that the decision on the same was under consideration, and that on account of their behaviour at that moment, even if the cigarette papers were at hand, he would not issue them, and that their actions were making it more difficult than ever for the authorities to consider their requests. Apparently other convicts started adding to the list of complaints but the convicts who were in control stated there were only two things they were after, cigarette papers and recreation.

He noticed the convicts were working at the door leading into the engineer's shop, the lock of which had been burned off. He went down to these convicts and told them to stop, which they did, but as soon as he left them commenced again. A second time the convicts stopped. On the third occasion someone informed Inspector Smith that the convicts were going into the engineer's shop to obtain possession of the switchboard, which they considered necessary for their purposes. No officer appears to have done anything to resist or control the mob, apparently accepting the fact that any efforts would be futile. The officers made no attempt to escape, although Instructor Mills proceeded from the shop dome to the Keeper's Hall, passing through the main dome, obtained the keys for the shops, and returned and gave himself up to the convicts without making any effort to notify any person of the situation or to arm himself or others.

A number of convicts entered the engineer's shop, passed through it into the switchboard room and on to the landing above the boilers. Word having been passed to Engineer Nixon as to the state of affairs, he had had the fires drawn from the boilers. An officer working in the vicinity of the switchboard informed a convict, who appeared to be about to smash it, that if he were to hit it with a metal hammer very disastrous results would follow. The convicts desisted in their attempts on the switchboard, apparently considering it too dangerous. Other convicts had gone to the boiler room, taken out a length of fire-hose and evidently intended to discharge cold water into the boiler furnaces with the intention of cracking or destroying the brick-work. This action was frustrated by a convict who removed the wheel from the hose valve, hiding it so that they were unable to turn the water on without procuring other instruments.

For some reason not readily explained, the convicts closed the doors to the shop dome and commenced to barricade them. Inspector Smith was informed by some of the older officers that the mob were getting out of control and outside help would be required. He then made his first attempt to leave the dome but

was prevented by the convicts who did not lay hands upon him, but simply resisted his departure by keeping the door shut. Finding this avenue of escape cut off, he returned to the gallery. The Deputy Warden approached him and wished to know what action should be taken. Realizing the situation was then very serious, Inspector Smith told the Deputy Warden that he intended to call out the militia. Inspector Smith through a stratagem got to the telephone in the change room and called up Clerk Van Alstyne, instructing him to call out the militia. Van Alstyne reported that he was endeavouring to get the Chief Keeper to take this action but that officer did not care to accept the responsibility without instructions. Inspector Smith then instructed Van Alstyne to call the militia in the name of the Warden and to request them to arrive at the Penitentiary at the earliest possible moment. All officers who were in the shop dome on that afternoon agree that without the intervention of the militia, the convicts could have remained in the dome until after dark when any number could have escaped over the walls or through the gates.

The convicts were aware that the Inspector had called out the militia. They had overheard his conversation and outwitted him in this respect but considering that the militia could not arrive until after dark, they did not disclose their position or knowledge. The convicts apparently had passed around the word that if any convict was hurt after the arrival of the militia, they would have their revenge upon the Penitentiary officers. During this period of approximately an hour Chief Keeper Archibald had sent word to the various gangs working outside the walls. These gangs were conducted back into the main cell dome in a comparatively orderly manner, less than fifty breaking away from their gangs and joining the disorderly convicts.

Warden Allan, who had advised Inspector Smith against placing himself in the hands of the convicts, now took action. He had not been informed that an outbreak was expected in Kingston Penitentiary that afternoon. He had just completed the inspection of convicts for transfer and was about to leave the hospital when Inspector Smith was called to the telephone. On turning away from the telephone, he observed that Inspector Smith was somewhat pale and he asked him if anything was wrong. Inspector Smith informed him that there had been a strike in the tailor's shop, and pulling out his watch made the remark: "They are five minutes late." Warden Allan, surprised, asked if he had had information that the revolt was to take place. He replied in the affirmative.

Warden Allan and his deputy, Harraway, accompanied Inspector Smith from the hospital down through the main dome, through the Keeper's Hall to the Ward. Warden Allan called after Inspector Smith as the latter was entering the shop dome that that officer was making a serious mistake placing himself in the hands of the convicts. He, Warden Allan, saw that the situation was very serious and commenced to take action. He sent for Engineer Nixon and asked him if temporary wall lighting could be provided, if needed. Engineer Nixon informed him it was impossible to make any arrangements for temporary lighting. Warden Allan immediately went to the Warden's office, realizing that no information of the situation had been reported to the Branch Headquarters. On arrival at that point he found both the north gates wide open, with the office staff to the north of the roadway running past the north gate, and stationed on the Warden's lawn with rifles, in a position as if they anticipated the convicts emerging through the gates, and they at least would be on the outside and farther away from the centre of trouble than the convicts. Warden Allan instructed Van Alstyne to accompany him to the Warden's office, and at 3.55 p.m. the message was received by me at the Branch office. Van Alstyne was too excited to speak. Warden Allan briefly related what had occurred up to that time, giving information that Inspector Smith and a number of officers were in the shop dome with some three or four hundred convicts.

Three batteries of the Royal Canadian Horse Artillery arrived at Kingston Penitentiary under the command of Colonel J. C. Stewart, D.S.O., at approximately four o'clock, less than fifteen minutes after they had been notified of the situation. Colonel Stewart disposed of his troops, completely surrounding the shop dome on four sides. After the building had been surrounded, Warden Allan went around to the southwest corner of the shop dome where he observed a convict sitting in the window, apparently keeping the Penitentiary Officers on the southwest tower under observation. Warden Allan had some conversation with this convict who reiterated the demands previously referred to and stated that the convicts desired the Superintendent of Penitentiaries should arrive at Kingston Penitentiary at once to investigate the complaints of the convicts.

Warden Allan informed this convict that proper steps would be taken, whereupon the convict stated that he would go in and see what could be done to quiet the uproar inside. Before the convict departed from the window Warden Allan advised him that if he did not return within a few minutes, it was the intention of Warden Allan and the militia to go in and bring them out. The convicts were surprised at the early appearance of the militia, and realizing there were still some hours of daylight, proceeded rapidly to barricade the shop dome doors on the inside. After waiting what appeared to be a reasonable length of time, Deputy Warden Harraway, who had also been taking action, arrived, with the result that a motor truck loaded with stone which had been procured from the quarry; it was brought into the yard and backed into the doorways of the shop dome, breaking the wooden doors down sufficiently for Warden Allan and a portion of the militia to climb into the shop dome.

The greater number of the convicts then withdrew into the mail bag shop where they barricaded the doors. Three shots were fired into the roof of the dome, which had the effect of driving the convicts from the galleries into the shops. The officers and soldiers proceeded up to the dome galleries, collected all the convicts that were in the shops and had them escorted to the main cell block and the Prison of Isolation. Warden Allan and three officers of the Penitentiary broke through the window into the front office, which is partitioned off from the mail bag shop. Several shots were fired through the glass windows of the office into the roof of the shop, which caused the convicts to crowd back and away from the door. Several convicts then set up the plea that they were going to be slaughtered and called for the firing to cease. Others, at the same time, forced Acting Warden Smith and the Penitentiary officers, by threats and other means, to stand up and place themselves between the convicts and the direction from which the firing was taking place.

Eventually a parley was arranged between Warden Allan and Inspector Smith who was accompanied from about the centre of the mail bag shop to the office window by convicts B———— and F———. This parley lasted for a few minutes. The convicts realized they were trapped and stated that if any convicts were injured, the officers would suffer in a like manner. The situation was unsatisfactory. It was evident that unless some agreement was arrived at there would be injury to both officers and convicts. Inspector Smith arrived at an agreement with convicts B———— and F———. They explained the agreement to the other convicts.

The final agreement arrived at was that the convicts' complaints would be investigated and considered; that no convict would be punished until after he had a proper trial.

The convicts on their part were to return to their cells, have their evening meal, be locked up, refrain from yelling and other noises during the night, return to work the next morning and carry on according to penitentiary routine until their complaints had been investigated and the leaders of the outbreak

dealt with according to regulations. One convict stated that there were no ringleaders but it was a case of "one for all and all for one." The convicts insisted that Inspector Smith should himself get up and make the promises as they were not prepared to accept any other official's word. This Inspector Smith did. The convicts then passed out of the mail bag shop in groups of twenty-five and were taken to the main cell block and put inside the dome barriers.

During this time there was considerable commotion in the corridors of the main cell block. Some convicts had obtained planks and were making attempts to knock off the cell levers and pry out the vertical locking bar on the cell gates. They were not successful. The evidence points that on many occasions these planks were left in the corridors and they were ready and suitable instruments with which to do damage to the locking devices and barriers.

While this commotion was going on, there was an outbreak in the kitchen where approximately fifty convicts were employed. One convict had forced Steward Edgar, a man of sixty-one years of age, to give up the keys to the kitchen. The same convict had jammed the key from the kitchen in the F corridor lock. On the officials endeavouring to open the door, he shouted through the doorway that he would kill the first officer to enter. They tried to explain to him that an arrangement had been arrived at and that the outbreak was over, but it was not until some convicts whom he knew came and spoke to him through the door that he would allow it to be opened.

After this was done, the convicts were given their evening meal. The Penitentiary was in a very restless and noisy state during the early part of the evening but gradually quieted down and at the opening of the prison on the morning of the 18th was comparatively quiet. On the evening of the 17th, Inspector Smith, in answer to a telephone message from Branch Headquarters stated that all the convicts were locked up and the troops had departed. He stated that undoubtedly the troops had saved the security of the Penitentiary.

The next morning Inspector Smith instructed the Deputy Warden to keep the convicts in their cells until his arrival. At the usual hour of proceeding to work, the Deputy Warden advised that the agreement made by Inspector Smith with the convicts should be fulfilled. Inspector Smith, on the advice of the Deputy Warden, went to see one of the convicts who had taken a leading part in the outbreak. This convict told him that the convicts had appointed delegates in every shop and there was no fear that machinery would be broken up as the convicts were satisfied that every effort would be made to have their complaints investigated.

This convict further informed Inspector Smith that no delay should take place as the delegates were not sure they could hold the other convicts indefinitely. Being satisfied that nothing to affect the security of the Penitentiary would occur for three or four days, Inspector Smith authorized the convicts to be sent back to the shops. On their return to work they cleaned up the debris and returned the tools to their proper places. Several convicts endeavoured to get word to Inspector Smith, warning him of the danger of the situation, and also making a plea for those who had not participated in the previous afternoon's revolt, setting out that many of them were in danger of injury, if not in danger of losing their lives. Work continued through the afternoon of the 18th and the Penitentiary closed at the usual hour.

INVESTIGATION OF THE OUTBREAK

On my arrival in Kingston on the afternoon of the 18th, Inspector Smith seemed to be in a peculiarly dazed condition. He did not seem to fully realize the condition of affairs nor the position in which he had placed himself by making his compromise with the convicts, as it clearly tied the hands of the Depart-

ment, if his agreement was to be fulfilled. I had a conversation with Warden Allan of Collins Bay penitentiary that evening and from his account a very disturbing situation was apparent. Inspector Smith could throw no additional light on the situation but stated that in his opinion the convicts should be permitted to return to work on the morning of the 19th. Notwithstanding the views of Warden Allan, I accepted the opinions of Inspector Smith and consented to the convicts being returned to work the next morning.

On arriving at the Penitentiary next morning, I made an inspection of the state of security of the institution and found that trucks were passing in and out of the north gates, both of which were left open at the same time. Up to this time no information had been given to me concerning the plot for escape hereinbefore referred to, but immediately instructions were given that the north gates were not both to be open at the same time. Inspector Smith was instructed that this must not be deviated from unless an armed guard were placed both inside and out of the gates, and then only if the vehicle passing through was too large to be contained between the two gates and was unaccompanied by convicts. The lodge at the north gate was examined and the arms there were found to be placed in such a manner as to obviously create confusion if they were required on short notice. The gate keepers and office staff were organized into a security force for the gate, and the officer in charge was instructed as to the manner in which he should draw arms and the position he should take up between the two gates.

Between 9 and 10 o'clock, the Deputy Warden reported to Inspector Smith that the convicts were becoming restless and that he did not like the appearance of things generally. Inspector Smith instructed the Deputy Warden to report the matter to me as Superintendent. This report confirmed my impressions, and arrangements for the security of the Penitentiary were speeded up as much as possible. About eleven o'clock Inspector Smith informed me that the leaders of the outbreak were making insistent demands to see me and wished me to interview the delegates at 11 a.m. in the Protestant Chapel. Realizing that to go into the chapel or any similar place with any considerable number of convicts would simply be placing myself in the same position as that in which Inspector Smith had found himself on the previous afternoon, a refusal was given. Inspector Smith was instructed that the convicts would be interviewed at the hour of court in the Keeper's Hall.

When about to proceed to the Keeper's Hall, Instructor Whiteland came to the Warden's office. He was in a very nervous condition and much agitated. He stated that discipline in the blacksmith's shop during the forenoon had been so bad that it was out of control. During the forenoon, Officer Godwin had brought around a convict who had ignored the Instructor and officers in the shop and had given authority to the convicts to go into the toilet and smoke. My investigation proves that this convict had left the change room, having been passed out by the disciplinary officer, and had come to the tin and paint shop, the carpenter's shop, and sent word to several other shops during the forenoon, directing the convicts to maintain discipline but if they desired to smoke they might do so providing they went into the toilet. This had not been included in any way in the agreement arrived at by Inspector Smith. Guard Godwin, who took this convict around the shops, did so without any instructions or authority from a superior officer.

Before opening the inquiry into the complaints of the convicts, I was convinced from information given by Instructor Whiteland that if the convicts were allowed to get into the shops again, without being under armed control, they would undoubtedly destroy the machinery and set the place on fire. Lives of men in the blacksmith's shop had been threatened and a convict leader told

Instructor Whiteland that the affair on Monday would be nothing compared with the next time the convicts would break. Instructor Whiteland did everything possible to carry the shop along in a quiet manner until the convicts proceeded to lunch at 11.30 when they returned to their cells.

The inquiry into the complaints of the convicts was held in the Warden's court room in the Keeper's Hall. Inspector Smith reported that the convicts would not present themselves singly and desired a meeting or conference in the chapel. I informed him that it was my intention to see the convicts singly and that no convict delegates would be recognized and such a system would not be tolerated within the Penitentiary and that, if the convicts did not wish to present themselves singly, each man stating his own complaints, without anything to do with complaints of others, no investigation would take place.

Inspector Smith reported back that three convicts were willing to come and see me but they would not come singly. He was again informed that if they did not come singly, they would not be permitted to come at all but that he could select whatever convict he saw fit to put forward his complaint. This resulted in a convict named F——— coming forward.

EVIDENCE OF CONVICT F———

Convict F———'s first complaint was against the officers, stating they were petty tyrants and persecuted the convicts at every opportunity. This incited the men to talk back and they were reported and punished without having the officer appear in evidence against them or without their evidence being given any consideration whatever. F——— boasted that he had been born a thief, had always been a thief and intended to die a thief; that he was undergoing a sentence of life and seven years; that he did not expect to get out of the Penitentiary alive and his life meant nothing to him and he was willing to sacrifice it, if by losing it he would make things easier for the future generation of convicts in Kingston Penitentiary. His range of complaints extended to include the cooking of food. He stated the food was the finest in any prison in the world but that it was badly cooked. He also complained that visits allowed to convicts were conducted under inhumane conditions and were not of sufficient length; that letters and magazines were too severely censored, and stated that censored portions of magazines and periodicals were sold by the officers to convicts. The exercise period was too short, he said, and the amount of time in the fresh air with no freedom of movement. There was also, he said, no recreation and nothing that would divert the introspective mind of a convict.

He brought up the lack of cigarette papers but admitted that no convict had put forward a request for the same prior to the 17th of October. In reference to the outbreak on Monday, he stated that it had been the intention that it would be a demonstration only. It was to have the Warden come and listen to their complaints. The convicts became incensed when they found the doors locked and when the keys were refused, the doors were broken down. The Warden had come among them, he was not afraid and had asked what they wanted. Convict B——— was elected spokesman and he had put forward their plea for cigarette papers, tobacco and recreation. The Warden had informed them that he had made the request on the 1st of August and was awaiting an answer, but he could not promise anything.

In reply to this, it was stated "We convicts want a promise" and that they had no intention of leaving the shop dome the afternoon before until some promise was given. He stated that he personally requested Inspector Smith to telephone to Ottawa, but before the Inspector had been able to reply,

B————— had suggested that the four doors of the shop dome should be barricaded. This had been done and all the convicts had agreed that they would stay in the shop dome, if they remained there a month; that, if the convicts starved, the officers would starve with them. Up to this time he had counselled against using violence to any of the officers until violence had been used against them. When the officers and militia started to fire shots through the door, some person ordered the convicts to stand up and pull the officers from under the tables and run them up in front of them. He immediately went over to Inspector Smith, who had not ducked, and carried on a conversation, which included B—————. This conversation was in progress when Warden Allan and the militia broke through the barricade into the office and from there commenced shooting promiscuously and at random.

Warden Allan called upon them to surrender. Inspector Smith requested to be permitted to speak to Warden Allan but this he and B————— refused. Then Inspector Smith asked them to attend the parley, which lasted for from fifteen to twenty minutes, and Inspector Smith gave his promise that the ringleaders would not be beaten up by any of the officers and that no one would be put in the "hole" until the investigation was over and a fair trial was given the convicts. The convicts then stated that there were no ringleaders, saying, "We are all for one and one for all." The convicts then went quietly to their cells and they kept their word with the exception that they were smoking in the toilets in the shops and intended to do so until the investigation was over. They demanded that a smoking-period should be given during the morning and afternoon. Using the word "ultimatum," he said that no further demonstrations would be made until they had received a definite answer to their demands for recreation and cigarette papers, providing the authorities promised no punishment until after the investigation and trials. He further stated that during the period between the afternoon of the 17th and noon of the 19th the ultimatum had been changed and the men at that moment were saying that if any person was punished "All hell would break loose." They demanded that the Superintendent grant their requests for cigarette papers, recreation and no one being punished at all, and that all would start even as if nothing had occurred.

Inspector Smith interrupted at this point and requested that the convicts be permitted to go back to the shops. My decision was that the convicts should not be permitted to go back to the shops.

Inspector Smith was instructed that the convicts would be interviewed in the order in which their names came alphabetically.

F————— asked if the convicts were to be permitted to go back to work that afternoon, and being informed that they were to remain in their cells, his demeanour changed, and had he been permitted to do so, he might have become abusive, but he was sent out of the visiting cage.

EVIDENCE OF CONVICT J—————

Convict J————— commenced his complaints by stating that Inspector Smith had promised there would be no immediate punishment until after a thorough and open investigation had been made and that no person would be punished without a fair trial in the civil courts. He said "a fair trial" meant a trial in the civil courts. He further asked that the convicts be permitted to return to the shops, stating that if they remained confined in their cells during the investigation, the confinement would be looked upon as a punishment and the breaking of the agreement or understanding given by Inspector Smith.

He was emphatic in his assertion that eight hundred convicts believed that an open investigation meant a public investigation by persons not connected with the Penitentiary Branch and suggested that it should be carried on in an adjacent courthouse. He asserted that the convicts were convinced that they could not get a fair hearing otherwise than in the civil courts.

The cause of the outbreak was principally because if a convict made any complaint or request he was immediately singled out and persecuted by the officers, no matter how reasonable or justifiable his request or complaint might be. He stated that the "strike" was not a matter of sudden or recent origin but was the outburst of feelings and resentments that had been accumulating for years; that every convict believed that the Warden would back his officers on any and all occasions where the word of an officer came in conflict with the word of a convict, and that the trials held within the Penitentiary were a farce and were not really trials at all. He asserted that if corporal punishment were to be used within penitentiaries it should not be left in the hands of the Warden but should only be awarded by the civil courts. He made many general statements of brutality on the part of officers to convicts. He demanded recreation and at this point brought in the question of cigarette papers. He said there was no element of reform in Kingston Penitentiary, the punishments were unjust and dehumanizing. He recited the case of convict E———, which gave me the opportunity of reminding him that he had shown undue interest in convict E——— when he had come before me on September 7. He also complained of some of the sanitary arrangements where convicts suffering from disease used the same dishes, towels, shaving brushes and razors as other convicts. On leaving he asked if the men would be allowed to go back to work. On being informed that was a matter in the hands of the Penitentiary officials for consideration, his temper flared up and momentarily he gave evidence of revolt, impertinence or insolence.

EVIDENCE OF CONVICT B———

Convict B——— stated there were only two demands being made by the convicts, cigarette papers and recreation. He asked for some measure of reform to be introduced and the abolition of corporal punishment for prison offences, stating that it should be taken out of the hands of the Warden. He had been in Kingston Penitentiary under a previous sentence and had been such a model prisoner that he had been transferred to Collin's Bay Penitentiary but at the expiration of his sentence he had unfortunately got into trouble again and was committed to St. Vincent de Paul Penitentiary and transferred from there to Kingston Penitentiary where he was supposed to have been implicated in an attempted escape in August of 1931, and bitterly complained that he and four others had been severely punished on the unsupported word of a pervert, whose name he refused to give, but investigation has shown was convict . . .

He stated that there had been no intention to use violence and that he, himself, had used his best endeavours to prevent any violence or damage to Penitentiary equipment during the afternoon of the 17th. He complained of the persecution by Penitentiary officers and stated that he clearly understood that Inspector Smith had promised that there would be no punishment until a thorough investigation had been held, and that no convict would be sent to the punishment cells until after the investigation or without a fair trial. He was satisfied, with others, that Inspector Smith did not promise a public investigation nor a trial in the civil courts. He complained of the brutality of the officers and the conditions existing in the Prison of Isolation.

Up to this time the convict seemed very sincere and very reasonable in his utterances. It was clear that he had done a great deal of reading or had acquired a very considerable knowledge of prison management and prison reform. He had come before me on September 7 with a plea for the release from the Prison of Isolation of convict E——— and had, at that time, made a request for recreation and that some measure of reform be introduced into Kingston Penitentiary, and on my instructions had submitted a paper, which he had prepared, dealing with prison reform.

Before leaving he asked me when the convicts would be sent back to work. On being told that was a matter to be decided by the Penitentiary authorities, he gave marked evidence of irritation and expressed the opinion that the convicts should be returned to the shops under the conditions outlined by Inspector Smith.

The foregoing interviews with convicts further convinced me that the outbreak was not a sudden or unpremeditated move but that it was a well organized revolt that had been in course of preparation over a period of years. The convicts had learned a certain amount of tactics since their abortive revolts from 1921 to 1930. I was forced to believe that the outbreak came a little earlier than had been anticipated by the persons whom I believe to be the instigators and ringleaders. I formed the opinion that the intention of some of the convicts was that they would get into control of the penitentiary and—they had not counted on the intervention of the militia—remain in the shop dome until it was dark, when a general break over the wall would be made. There are some indications that the revolt had been engineered by some convicts who had been keeping in the background and who had discreetly refrained from taking a prominent part in the outbreak of the 17th.

EVENTS PREVIOUS TO OCTOBER 20 DISORDER

Information gleaned from Deputy Warden Walsh further impressed me the whole of the Penitentiary staff was much less efficient than even my low estimate had led me to believe. It was apparent there was no organization of any kind to handle the situation that existed and expedients were necessary. I instructed the Chief Engineer to report at Kingston Penitentiary at the earliest possible moment. Belated information that the convicts on October 17 intended to smash the cell levers was given me. To meet any emergency a supply of tear gas grenades was obtained. The Chief Engineer examined the southwest gate and recommended that it should be reinforced with a steel beam and concrete piers. This was carried out on October 20.

On my arrival at 9.30 in the morning of the 20th to conduct the inquiry into the convicts' grievances, I found Inspector Smith and the Deputy Warden of the Penitentiary in a dazed condition. They did not appear to comprehend the situation. They appeared to have allowed a number of convicts to circulate about the main cell block, making speeches of various natures, all of which were subversive of good order and discipline. Both these officers recommended that the convicts should be permitted to return to the shops to work.

Deputy Warden Walsh also pressed strongly that the convicts should be given cigarette papers and allowed to go to the shops.

This absolutely confirmed the impression convicts F———, J——— and B——— had given me and I was convinced that if the convicts were permitted to return to the shops, they would refuse to leave without doing damage unless their demands were granted. On previous occasions Kingston Peni-

tentiary and other penitentiaries had remained closed as long as twelve days so I gave no consideration to the protest that convicts were being punished by remaining in their cells.

On receiving his letter recommending the convicts be returned to shops, I asked Inspector Smith if he had consulted the officers of the Penitentiary as to the advisability of the convicts returning to work. He replied in the negative. I ordered him to consult the keepers and guards. He came back and asked for the return of his letters as the majority of the officers were of the opinion that it would be unsafe to permit the convicts to be returned to the shops. Deputy Warden Walsh again approached Inspector Smith and put forward another plea for authority to have the convicts returned to the shops. This I refused.

Lieutenant-Colonel Stewart, Commanding the R.C.H.A. arrived at the Penitentiary to see Inspector Smith about 2 p.m. requesting information as to the situation and the probability of the troops being re-called to the Penitentiary. The matter was discussed by the three of us and I put the definite question to Inspector Smith,—“Do you consider that the convicts are safely locked up in their cells?” He qualified his reply by saying that he “believed that they were.” I asked for a definite reply to my question and he said, “Yes.” I then reminded him that the convicts had stated they could break out of their cells. His reply was to the effect,—“I know they say that, but I do not believe that they can.” On receiving this assurance from Inspector Smith, I told Colonel Stewart that he would not be called upon for assistance that evening.

On the 19th, realizing the unsatisfactory condition of having convicts in the corridors in the main cell block, Inspector Smith was asked if the old asylum building was ready for occupation. He informed me that three floors were ready but evidently had made no inspection of the building and had accepted the information given him by Chief Trade Instructor Macdonald. The Chief Engineer had been informed of this arrangement and was in the course of checking over the situation when the outbreak arose later in the afternoon of the 20th.

My examination of other convicts commenced. Before the first convict arrived, word was conveyed to me that the convicts refused to come up singly and demanded that a delegation should be heard in the Protestant Chapel. This had already been urged upon me by Inspector Smith and Deputy Warden Walsh, and had been refused. Evidence shows that certain convicts were taken from their cells and that they were jeered at and threatened by other convicts and from that cause refused to come before me. Finally, about 3.30 three convicts presented themselves. The first two were quickly disposed of but it was immediately evident that they were giving their complaints in a pre-arranged manner. It was explained to them that each man could only make complaints for himself without reference to others. While interviewing the third convict, Deputy Warden Walsh came to me, stating that an outburst was imminent and that he considered it was too late to send the convicts to the shops as they would be out of hand. I asked him to recommend what steps should be taken. He was in an extremely nervous condition and apparently could not think. He eventually admitted that he had no useful recommendations to make. I sent him away. Within a few minutes Keeper Atkins and Guard Kelly arrived and definitely stated it would be most dangerous to permit the convicts to enter the shops or to be taken out of their cells. These officers were cool and collected and were the first officers I had met in the Penitentiary who did not seem to be suffering from nerves and undue excitement.

While listening to the complaints of this convict the noise increased in the main cell block. The convict said the convicts had left their complaints to delegates and included the charge that I had broken my word, and stated that even if the convicts were given cigarette papers, they would not behave.

THE OUTBREAK OF OCTOBER 20

On moving into the office, I found the office staff and officers about the gates had armed themselves with rifles and revolvers and taken up the positions indicated to them the previous day. Word came up from the main cell block that the convicts were actually breaking out of the cells and that forty unarmed officers were in the dome where the convicts were completely out of control. Clerk Van Alstyne suggested the militia be called. He was very nervous and excited. From experiences of the previous forty hours and the knowledge I had obtained since October 17, I was satisfied that no dependence could be placed upon many members of the Penitentiary staff and gave instructions that the militia should be called. They arrived in between ten and twelve minutes and took up their positions in the Penitentiary grounds so they could deal with any convicts attempting to break the main barrier.

Subsequent investigation has proven that convicts found or had hidden two planks 12 feet long, 10 inches wide and 2 inches thick in G and H corridors. By using these they could knock off the cell gate levers and pry out the vertical locking bars. They could also use these for breaking the locks on the dome barriers, and there would have been no difficulty in releasing all the convicts within the main cell block. Not more than six officers were in the dome at the time of the final outburst. These were unarmed but they had locked the dome barrier gates. From that time to the present there had been no danger of the convicts escaping from the cell blocks or from the Penitentiary.

Until arrangements presently being made are completed, I am satisfied it would be improper and unsafe to turn the convicts into the shops in numbers heretofore employed therein, in addition to which certain arrangements in shops are necessary.

At 4 p.m., October 20, realizing they were in a helpless position and desiring to give vent to their feelings, the convicts commenced destroying anything of a breakable nature in their cells. They ripped the tables from the cells, using the supporting arm in attempts to pry apart the cell barrier. Some thirty-five or forty of them broke up the porcelain toilets, threw their bedding out into the corridors, smashed the electric light globes, damaged the metal wash-basins and broke up their beds. This damage caused the water to run into the cells and drip down into the corridors, creating a most disorderly appearance. However, it was ascertained the damage had occurred only in F, G and H corridors.

Officers of the Penitentiary who had been issued with rifles and shot-guns had placed themselves around and outside of the main cell block and the Prison of Isolation. They fired shots against the outer walls of the Penitentiary with the intention of impressing the convicts with the fact that firearms would be used if necessary. About 6 p.m. I made a round of the yard and then discovered that there was absolutely no organization among the Penitentiary officers. I found the Deputy Warden parading around the yard carrying a shot-gun. I found several Instructors firing occasional shots at the wall, particularly into F corridor. Upon inquiry into the reason of this shooting, I was told that the convicts were digging through the brick walls separating the cells. This was a new departure and something new in the history of Kingston Penitentiary and appeared to be the first realization of the officers that the cell walls were only made of brick. It was quite evident that, if uninterrupted, the convicts could quickly loosen the bricks between the cells and congregate in one cell, and, if six or eight of them could twist, bend off or break the cell gate, they could escape into the corridor.

Instructions were given to examine the ducts throughout the whole Penitentiary, as it was believed that the convicts might dig through into the ducts and, if they were in the same condition as other portions of the Penitentiary,

they might get down into the ducts and come out either through the man-holes within or without the walls. At this time I was under the belief that the real basis of the Penitentiary outbreak was a plot to escape, which I believe had been concocted by some of the long term convicts. One or two convicts had put themselves in darkness by the destruction of the lights, others had taken their blankets and hung them over the cell barriers and in this manner were hiding their operations inside the cells. Some of the officers on their own initiative fired shots from the outside of the cell block through the windows into the ceilings of the cells. One convict in the Prison of Isolation was struck in the shoulder by a bullet which ricocheted from the cell barrier. It was ascertained that he was not seriously injured.

Instructions were given that the corridors were not to be entered if there was risk of life to the Penitentiary officers. From dark until midnight Penitentiary officers fired occasional shots. No convict was singled out and fired at by any officer. The militia, being under proper control, did not fire a single shot. Guard Neddow admits loosening off into the air three rounds from a revolver purely on account of nervousness and because "everybody was doing it," this being a fair example of the discipline of the Penitentiary officers.

About 4.05 p.m., or within five minutes of the outbreak, an issue of ten or twelve tear gas grenades was made to certain officers who took them down in an endeavour to throw them through the windows into G and H corridors. Owing to the draft, this was a failure. On observing this, some six grenades were taken into the dome and thrown in F, G, H and A corridors. This had a momentary effect on the convicts. Appreciating that the gas was ineffective under the circumstances and that the supply was extremely limited, only two dozen grenades having been procured, instructions were given that the remainder should be held in reserve to meet any more dangerous situation.

During the evening, about 7 p.m., the Deputy Warden, on receiving instructions to examine the ducts, had three officers go together, armed with revolvers, into the ducts, and where convicts were found to be breaking through the walls or committing other offences, to fire into the cells. These guards proceeded to make the examination of the ducts between E and F corridors, and fired some eight or ten shots through the peep-holes into the cells, taking care to direct the shots against the walls so that the bullets would not hit either the convicts nor go out through the front of the cells and windows into the Penitentiary yard.

So far as can be ascertained no convict was injured in this manner, although two claimed to have been wounded by the splash of the bullets. It is more probable that they scratched themselves by climbing through the holes that had been made between the cells or had injured themselves with table arms or other instruments that they were using to break through the walls. This shooting caused them to temporarily cease their operations.

When in the ducts, unexplainable thumping and digging could be heard. I am now of the opinion that the thumping was caused by the turning on of the steam heat into the main steam pipe with resultant expansion and vibration in the pipe. However, precautions were taken to meet such an eventuality by placing soldiers on the west wall who had observation directly into the Protestant Chapel.

From midnight until 7 a.m. of the 21st nothing of interest occurred. No attempt was made to distribute the convicts as it was apparent that physical force would be required to extricate the less obstreperous convicts from the corridors, as the other convicts would probably put up a fight to prevent the well behaved convicts from being removed; in addition, it was not deemed advisable to make any transfers during the night as the whole circumstances of the outbreak included the possibility of persons outside of the Penitentiary endeavouring to assist in a general gaol delivery.

On the morning to October 21, it was apparent there was no method of giving instructions that would be carried out by the keepers and senior guards. The Penitentiary staff was unorganized. Therefore, the militia, which had already taken the proper steps for relieving each other, was retained in control of the dome and the Penitentiary yard and to reinforce the Penitentiary towers.

Inspection of the west shop block showed that not one of the new shops was in anything like a proper state to contain convicts. It was apparent that Inspector Smith had been misinformed by C. T. O. Macdonald and that while one shop could be made into a temporary dormitory within a matter of hours, the upper and lower shops would require several days to put into shape. On inquiring into the cell accommodation in the Women's Prison, I was informed that it was complete and ready to receive convicts. Some time later the Chief Engineer reported that none of the cells were ready for immediate occupation but that twenty-five could be arranged in from six to eight hours.

On the 19th it had been decided to put flood lights on the walls and to connect up these lights and also the administrative portion of the Penitentiary with current to be obtained from outside sources. This was to have control of some lighting arrangement, if the worst occurred, as the convicts would be unable to turn the whole of the Penitentiary into darkness.

The night of the 20th-21st passed without any undue alarm. There was considerable yelling and speech-making, but it was absolutely impossible for the officers in the domes or within the corridors to be able to pick out the convicts who were making the speeches or creating the disturbances, due to the construction of the Penitentiary. It was evident that any officer going into a corridor was likely to have a missile thrown at him. It was decided to let them carry on in this manner as there was no danger to the safety of the Penitentiary and the material damage could not be very great. That this judgment was sound is shown by the fact that less than \$3,000 damage was done in the cell blocks.

There had been no difficulty in extracting the twenty-five convicts from G and H corridors and transferring them to the new Women's Prison.

Further, we were not ready to deal with the convicts under the same conditions as had been applied after previous outbreaks. In the first place we were hampered by the agreement made by Inspector Smith. Secondly, only the convicts in F, G and H corridors and some in the Prison of Isolation had broken up their cells, and some had done so because of fear, as they had been threatened with bodily injury if they did not break up their cell contents in order to appear equally guilty with the leaders in the outbreak. We had further information that the alleged ringleaders had taken good care that nothing should be disturbed in their cells. This was particularly the case in the instances of F———, B———, J———, H———, and C———. Inspector Smith reported on the 19th that four hundred and twelve convicts were implicated in the outbreak in the shop dome alone, and there was no way of telling exactly how many others had misbehaved in the main cell block on the night of the 17th.

On the 22nd October I decided that Inspector Smith should be relieved of duty and sent home on leave of absence. Before finally relieving him of responsibility in connection with the Penitentiary, I decided to make a survey of the main cell block and ordered him to have the Chief Engineer, Chief Trade Instructor Macdonald, Engineer Nixon, Keeper Atkins and Keeper Nolan report at the office. Having obtained a blue print of the main cell block, I asked each one of them in turn how it would be possible for the convicts to get out of the

building. There were no opinions forthcoming. I asked them how many doors led from the outside into the main cell block. Their replies varied, which caused me to be more than ever determined that a survey was necessary.

We proceeded around the building and found there were actually twelve entrances on the outside, one in particular being into the basement adjacent to the kitchen below the chapel, and storeroom had only an eight inch brick wall to prevent the convicts coming to the door and knocking off the padlock and hasp. This was ordered to be cemented up at the earliest possible moment. Another door was found to lead directly into E corridor. This was a large double door having no barrier but having at some time or other been closed and boarded over with one inch tongue and groove boarding with coal sacks and other similar articles put in between. Had the convicts ever broken loose in E corridor and forced this door, which could have been done without any difficulty, especially by ripping off beds from the cell walls, they could have got into the yard and would only have been covered by the west tower, and knowing the inefficiency of the tower guards, they would have had no difficulty in either seizing the tower and climbing over the walls or entering the shops and setting fire. This door was also ordered to be cemented.

On the afternoon of the 22nd, fifty-eight convicts were transferred to the dormitories in the west shop building, and by pressing the work in the new Women's Prison, all convicts were cleared from the corridors in the main cell block, there only remaining the Prison of Isolation to re-arrange.

On the 24th word was received that Lieutenant-Colonel W. B. Megloughlin, M.C., would arrive at Kingston Penitentiary, having been appointed temporary Warden. He arrived and immediately commenced to take action. Organization for security and examination of cells continued throughout October 25. On the 26th some semblance of organization was brought about among the guards and keepers. Organization and security having been obtained, my investigation into the outbreaks continued.

On November 15, seven hundred and fifty-nine convicts had availed themselves of the opportunity to put forward their complaints and requests, slightly over two hundred declining the opportunity. A summary of the chief complaints of convicts would include the following:

1. Deprivation of cigarette papers.
2. Close cropping of hair.
3. Lack of recreation and amusement.
4. Insufficient open-air exercise.
5. Lack of newspapers and magazines.
6. Insufficient lighting in cells.
7. Harsh treatment by officers.
8. Compulsory church attendance.
9. Insufficient medical treatment.
10. Insufficient dental treatment.
11. Lack of toilet articles, combs and mirrors.
12. Punishments improperly awarded for breach of rules.
13. More frequent letters to and from convicts.
14. Increased number of visits to convicts.
15. Lack of paroles.
16. Objection to steam cooked food and monotony of prison diet.

The investigation was completed on November 28.

I am of the opinion that the following are the principal causes of the outbreak which commenced in Kingston Penitentiary on or about October 13, 1932:

CONCLUSIONS

1. Insufficient supervision covering a period of not less than ten years.
2. Insufficient and inefficient inspection covering not less than a period of ten years.
3. Inefficient officers being retained on the staff of Kingston Penitentiary.
4. Lack of knowledge of, and familiarity with, Penitentiary rules and regulations.
5. The desire on the part of certain long-term convicts to have less rigorous rules and regulations enforced within the Penitentiary.
6. A plot or scheme on the part of certain convicts to escape from the Penitentiary.
7. Admission in the Kingston Penitentiary during the month of February, 1932, of certain convicts who were especially adept in organizing and inciting disturbances against constituted authority.
8. Deprivation of convicts of cigarette papers and fine-cut tobacco, pipe tobacco being an authorized issue.
9. The large number of young and irresponsible convicts who are now confined in Kingston Penitentiary, many of whom have had experience in reformatories in Canada or elsewhere.
10. The monotony of penitentiary confinement.
11. I am also of the opinion that two or three convicts, whose identity has not been disclosed up to the present time, are the principal organizers of the outbreak.

D. M. ORMOND,
Superintendent.

